

OVERVIEW of the Daf

1) Seclusion (cont.)

The Gemara concludes its proof that a kohen and his ex-wife may not live in the same courtyard.

An inquiry is made whether the husband or the wife has to leave.

A Baraisa is cited that the wife is displaced unless it is her courtyard.

An inquiry is made who must leave if the courtyard belonged to both of them.

After one failed attempt the Gemara demonstrates that displacement for a man is more difficult, therefore, the wife is the one to be displaced.

A Baraisa teaches that once a kohen divorces his wife she may not even personally collect debts from him.

Different Amoraim describe the punishment they administer to a couple who appear in court without an intermediary.

R' Nachman adds a qualification to this ruling.

Two versions of a related incident are cited.

2) **MISHNAH:** The Mishnah enumerates matters that an adult may testify about that he witnessed as a child and matters that he may not testify about when he is an adult.

3) Clarifying the Mishnah

R' Huna the son of R' Yehoshua said that when testifying about a matter one witnessed as a child the other witness must be an adult.

The Gemara explains why it is necessary for the Mishnah to present three cases of someone testifying about a signature he saw while a minor.

The Gemara explains why someone is believed to testify as an adult that he saw, while a child, a woman marry as a besulah.

The Gemara questions the proof that a person is a kohen because he left school to immerse and eat terumah since he could be a slave.

It must be, concludes the Gemara, that it is prohibited to teach a slave Torah as taught by R' Yehoshua ben Levi.

R' Yehoshua ben Levi's ruling is unsuccessfully challenged.

The Mishnah's ruling that testimony recalled from childhood can authorize a person to eat terumah is limited to Rabbinic teruma.

The reason testimony that a person received teruma at the granary is credible is that the Mishnah follows the opinion that teruma is not distributed to a slave by himself.

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Distinctive INSIGHT

The child-turned-adult witness

“זכור הייתי בפלונית שיצתה בהינומא וראשה פרוע.” מאי טעמא? כיון דרוב נשים בתולות נישאות, גילוי מילתא בעלמא הוא

The Mishnah gave a list of cases where a person is believed to testify as an adult about things he saw as a child. The Gemara opens with a statement of Rav Huna b. Rav Yehoshua who clarifies that this adult is only accepted if he is accompanied by another kosher witness. Rambam (Hilchos Eidus 14:3) writes that an adult may testify that he remembers as a child seeing a wedding where the bride had her hair uncovered, thus indicating that the woman was a בתולה. Rambam does not mention that the credibility of the witness is contingent upon having another witness join him, although he does mention the factor of corroboration by another witness regarding similar testimony about a signature on a document.

The Magid Mishnah understands that Rambam learned that the clarification of Rav Huna who requires a second valid witness to join the child-turned-adult witness was said only in reference to the case of verifying signatures on documents, but that there is no such requirement regarding the testimony of a wedding. The logic behind such a distinction may be that the signatures on a document are basically going to be used to extract money from one person to another. Here, we need two witnesses, or at least the semblance of two witnesses.

מחנה אפרים (Hilchos Eidim, 18) proves that although we do not rely upon a רוב to extract money, however, where we have a situation of רוב, such as the assumption that most marriages are with בתולות, with the addition of a single witness we can extract money. Therefore, the single witness can function specifically in the case of the wedding of the בתולה, as this is where there is a רוב with which he joins.

Nevertheless, the ריב"ש (#183, end) holds that Rambam does require another adult witness to join with the child-turned-adult in all cases. This is also the opinion of Tosafos, as well as other Rishonim. ■

REVIEW and Remember

1. Who becomes more unsettled when displaced; men or women?
2. Why is a person believed to testify that as a child he saw a woman marry as a besulah?
3. What happened the one time R' Elazar the son of R' Yosi testified about a person's kehunah status?
4. What was the קצצה ceremony?

Today's Daf Digest is dedicated
 כ"ק מרן הרה"צ רבי יהושע העשיל אייכענשטיין זצלה"ה
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HALACHAH Highlight

Teaching Torah when a non-Jew may be in attendance

דאמר ר' יהושע בן לוי אסור לאדם שילמד את עבדו תורה

As R' Yehoshua ben Levi said: It is prohibited for a man to teach his slave Torah.

The Gemara in Chagigah¹ relates that it is prohibited to give Torah to idolaters but this ruling is not cited by the Poskim and instead they cite our Gemara that it is prohibited to teach Torah to slaves. Teshuvos Be'er Sheva² writes that this omission indicates that the Poskim do not hold of the prohibition but Yam Shel Shlomo³ writes that it is, in fact a binding and very severe transgression. Rav Moshe Feinstein⁴ suggests that once the Poskim rule that it is prohibited to teach Torah to slaves it is certainly prohibited to teach Torah to idolaters who are inferior to slaves.

A common related question is whether it is prohibited to teach Torah to Jews if there are non-Jews in attendance. Rav Menashe Klein, the Mishnah Halachos⁵, writes that as long as the class was organized for Jews the teacher does not have to be concerned that non-Jews may be in attendance. The reason is that the teacher is not responsible if a non-Jew attends the class. Rav Moshe Feinstein⁶ also ruled that one is not required to refrain from teaching because there is a non-Jew in attendance. The reason is that it is the idolater that is violating the prohibition by listening. Furthermore, it is not considered to be assisting another to violate a prohibition (לפני עור) since the idolater chose on his own volition to attend the class and even while there he could close his ears to avoid hearing the Torah that is taught.

Rav Yosef Sholom Elyashiv⁷, in contrast, rules stringently on

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A related Baraisa is cited and the rationale behind the dispute is explained.

Another related Baraisa about elevating a person to the status of a kohen is cited.

The reason a person is believed regarding a Beis Hapras is that it is only a Rabbinic decree.

The reason a person is believed regarding the techum is that it is only a Rabbinic decree.

The reason a person is not believed to identify the location of a path or eulogizing spot is that such testimony results in exacting money.

A Baraisa lists additional cases where a person's testimony based on a childhood memory is deemed admissible.

The dispute between R' Yochanan ben Berokah and Tanna Kamma in the Baraisa is explained.

A Baraisa is cited that describes the ketzatzah ceremony described in the earlier Baraisa. ■

הדרן עלך האשה שנתארמלה

this matter. He writes that it is prohibited to teach a class in Gemara if a non-Jew will be in attendance unless the topic is one that a non-Jew is obligated to study, i.e. something related to the seven Noahide laws. ■

¹ גמ' חגיגה יג.

² שו"ת באר שבע קונטרס באר מים חיים סי' י"ד.

³ ים של שלמה ב"ק פ"ד סי' י"ט.

⁴ שו"ת אגרות משה יו"ד ח"ג סי' צ' וח"ב סי' ק"ד.

⁵ שו"ת משנה הלכות ח"ה סי' קע"ב.

⁶ שו"ת אגרות משה הנ"ל.

⁷ קובץ תשובות ח"ג סי' קמ"ב. ■

STORIES Off the Daf

The condemned merchant

יומה בהמתן של צדיקים אין הקב"ה מביא תקלה על ידם צדיקים עצמם לא כ"ש..."

On today's daf we find that Divine Providence protected Rabbi Elazar b'Rebbi Yossi from causing damage with mistaken testimony. This is because Hashem protects even the animals of the righteous from sinning inadvertently.

Two Jewish merchants from Hamburg were once captured by pirates and sold as slaves. They were purchased by the same cruel master, who decided one day to punish them for their perceived indolence by putting one of them to death. The condemned captive was tied to a log and the master stalked off, with the threat that he would be dead by nightfall. Just before the two merchants were separated, the condemned man

begged his friend to ensure that he would, at least, receive a proper burial.

Toward evening, an Arab trader passed by with another slave and noticed the man bound to the log. Thinking that the prisoner would suit his needs better than his own slave, the Arab trader decided to exchange them. That night, the original master returned and failed to notice that his prisoner had been replaced. The build of the Jewish merchant and the Arab's slave was similar enough, and the cruel master killed the poor slave before he even thought to protest. Later, in the depth of the night, the other Jewish merchant fulfilled his friend's last request and buried the body, thinking it was his fellow Jew.

Years later, this merchant managed to escape and he immediately returned to Hamburg. He submitted his testimony to the Rav of the city, Rav Yitzchak Halevi Horowitz, zt"l, that the man who had accompanied

him on his journey years ago was without a doubt dead. Based on this testimony, the Rav permitted the man's *agunah* to remarry.

At the very same time, the one who had been in the service of the Arab was released. When he arrived at Altona on his way home to Hamburg, he discovered that his wife was slated to be married to a different man that very day! There was nothing he could do to prevent this since the distance was too great to cover before the marriage. Incredibly, the Rav of Hamburg was in Altona at the time, and the missing man found him and told him his tale. The Rav was so devastated that he threw himself on the ground and pleaded with Hashem to have pity and spare him from causing an illicit marriage. He stayed prostrate on the ground crying until after *chatzos*, after which he got up, smiled, and said, "The wedding has been delayed until tomorrow!" The man arrived in Hamburg in time to avert the catastrophe! ■